

## STATEMENT OF UNDERSTANDING AGENCY ADOPTIONS PROGRAM

Relinquishing a child means permanently giving the child to the adoption agency so the agency can choose other parents to adopt the child. You permanently give up the child to the adoption agency by signing this Statement of Understanding and the relinquishment document. You will no longer have any rights as a parent to your child once these documents have been filed with the State Department of Social Services, Adoptions Branch.

You also have a right to look for legal counsel to prove you are the father of this child and to obtain the right to physical custody of the child. If you want to be a parent to the child, there are services available to help you.

Giving up your child is a very important decision. You should know all the facts about it and weigh its advantages and disadvantages before you make your decision.

### Instructions To Complete The Statement Of Understanding:

**BEFORE YOU SIGN THIS STATEMENT OF UNDERSTANDING AND THE RELINQUISHMENT DOCUMENT, READ BOTH VERY CAREFULLY WITH YOUR SOCIAL WORKER. BE SURE TO ASK QUESTIONS ABOUT ANYTHING YOU DO NOT UNDERSTAND.**

1. *Complete this Statement of Understanding only after you have carefully thought about giving up your child and you are sure you want your child adopted and raised by other parents the adoption agency has selected.*
2. *Read each of the statements in this document very carefully. If you do not understand a statement, ask your social worker to explain it to you until you do understand.*
3. *If you understand and agree with a statement, put your initials in the box next to the number of that statement.*
4. *If you do not agree, or if you do not understand a statement after your social worker's explanation do not initial the box. Ask for more help and time in making your decision.*
5. *If you have initialed all the boxes, sign your name at the end. Two witnesses must be present when you sign your name and they will sign their names after yours. (Witnesses are not necessary if signed outside of California.) Since you are the parent of an Indian child, you must sign this Statement of Understanding before a judge of the superior court.*
6. *You will receive a copy of this Statement of Understanding once it has been completed.*

## STATEMENT OF UNDERSTANDING

### Alleged Natural Father of the INDIAN Child Who is Not Detained, a Juvenile Court Dependent in Out-of-home Care, or the Ward of a Legal Guardian.

Name of Child \_\_\_\_\_ Date of Birth \_\_\_\_\_

If more than one child, include names and birthdates for all.

- ☐ 1. I understand because the child has been determined to be an Indian child, the requirements of the Indian Child Welfare Act will apply to the taking of the relinquishment and the adoption of my child.
- ☐ 2. I understand I have the right to look for a lawyer to help me in the relinquishment process and the adoption agency can refer me to public legal help in my community.
- ☐ 3. The adoption agency has told me why they think I am the alleged natural father of the above named Indian child.
- ☐ 4. I understand as an alleged natural father I can:
- A. File a petition in court to prove I am the father of this child;
  - B. Deny I am the father;
  - C. Give up my rights to any more notice of the adoption proceedings; or
  - D. Sign a relinquishment.
- ☐ 5. I understand that the agency is to tell me about its adoption plan for my child.
- ☐ 6. I understand I may talk about my plan to give up my child with other professional people, my family and friends.
- ☐ 7. I understand once the California Department of Social Services, Adoptions Branch has filed and acknowledged these documents:
- A. I will no longer be responsible for the care of my child; and
  - B. I will no longer have any right to the custody, services or earnings of my child.
- ☐ 8. I understand that by relinquishing my child I am giving up my child to the adoption agency.
- A. If I sign a relinquishment that does not name the adoptive parents, I am giving up the right to select adoptive parents and the final decision about who adopts my child will be made by the adoption agency, subject to the provisions of the Indian Child Welfare Act.
  - B. If I sign a relinquishment that names the adoptive parents, I am giving up my child to the adoption agency which intends to place my child with the person or persons named on the relinquishment document, subject to the provisions of the Indian Child Welfare Act.
- If my child is not placed in the home of the named person or persons or my child is removed from the home before the adoption is completed:
- 1. The agency will send me a notice by certified mail, return receipt requested, within 72 hours of the decision not to place my child for adoption or the decision to remove my child from the home. I must keep the agency informed of my address if I want to receive such a notice.
  - 2. I will have thirty days from the date the notice was mailed to me to either:
    - a. Rescind the relinquishment. The agency will rescind the relinquishment if I deliver, or have delivered by mail or other means, a written request to rescind the relinquishment to the agency before the end of the thirty day period, or
    - b. Take no action. If I take no action during the thirty day period, I will lose my right to rescind the relinquishment and the agency will select adoptive parents for my child, or
    - c. Select another placement for my child. If, during the thirty day period, I select another person or persons with whom my child is to be placed, I will rescind the initial relinquishment and complete a new relinquishment document identifying the person or persons with whom I then wish the agency to place my child.

C. The placement of my child is also directed by the Indian Child Welfare Act.

1. According to that law, the adoption agency must first try to place my child with someone from his/her extended family. If that is not possible, the second choice would be with someone from his/her tribe. If placement with the tribe is also not possible, the third choice is placement with another Indian family.
2. I know the Indian Child Welfare Act lets only the tribe or the court change the placement preference.
3. I know if I object to any of these placement choices, I must tell the court. The court will decide whether my placement choices, instead of those required by the Indian Child Welfare Act, will be followed by the adoption agency

- ☐ 9. I understand that the adoptive parents and the birth relatives, including the birth parents, may enter into an enforceable written agreement to permit continuing contact between the birth relatives, including the birth parents, and the child if relatives are adopting my child and if the court approves.
- ☐ 10. I understand after my child's adoption has been granted in court, all inheritance rights from any blood relatives will end unless they have made arrangements in their will or in a trust which specifically includes my child. My child will legally inherit from his/her adoptive parents. However, my child may still be able to get benefits from his/her tribe or Bureau of Indian Affairs' services because he/she is an Indian.
- ☐ 11. I understand because I am a parent of an Indian child if I sign this Statement of Understanding and the relinquishment document, I can take them back during any holding period referred to in Number 32 below or before the adoption has been approved in court.
- A. The rights and responsibilities as my child's alleged natural father will continue unless taken away by other legal action.
- ☐ 12. I understand I must sign the relinquishment form before a superior court judge (or other suitable court if I sign it outside the State of California).
- ☐ 13. I understand if I do not sign this Statement of Understanding and relinquishment document, the adoption agency can go to court and ask the court to end my rights as this child's parent and:
- A. I have the right to look for a lawyer to help me argue against this; and
- B. The adoption agency can refer me to public legal help in my community.
- ☐ 14. I understand that if the child is a juvenile court dependent or the subject of a petition for juvenile court jurisdiction, the adoption agency must notify the juvenile court, the child's attorney, and my attorney, if any, of the relinquishment within five days.
- ☐ 15. I understand before my child is legally adopted, the adoption agency must answer my questions about his/her situation. If I ask for information at any future time, the agency must give me all known information about the status of my child's adoption including whether my child has been placed for adoption, the approximate date the adoption was completed and if the adoption was not completed or was vacated for any reason, whether adoptive placement of my child is again being considered.
- A. I understand I must keep the adoption agency informed of my address if I want to know when my child was placed in an adoptive home and when my child was legally adopted.
- ☐ 16. I understand that after my child has been legally adopted, the adoption agency may not return my child to me.
- ☐ 17. I understand the adoption agency may release identifying information from the adoption case record only when:
- A. It has been requested by certain agencies as named in law because the information is needed to help my child;
- B. The adoptive parent, my child when he/she is an adult and I have all signed a form agreeing to the release of identifying information so contact may be arranged;
- C. My child has reached 21 years of age, asks for my identity and I have agreed in writing to the release of my identity and most current address in the adoption agency's record;
- D. My child has reached 21 years of age and has indicated in writing I can have his/her adopted name and most current address as indicated in the adoption agency's record and I have asked for this information; or
- E. My child is under 21 years of age and the adoption agency has found the release of my identity and most current address as indicated in the agency's file is justified according to law.

- ☐ 18. I understand because my child is an Indian, the adoption agency can also release information about the adoption only when:
- A. My child reaches 18 years and asks the court that agreed to the adoption for information about my tribal affiliation and any other information needed to protect any tribal rights he/she may have.
  - B. The Secretary of the Interior has asked for the information.
    - 1. I know if I want to stay unknown I must file a paper with the court asking the court not to give out any information about me.
    - 2. I know even though the Indian Child Welfare Act requires the Secretary of the Interior make sure information on the adoption of my child stays secret, tribes do not always keep information secret if they find out about the adoption.
  - C. My child is over 18, his/her adoptive parents or his/her tribe asks the Secretary of the Interior to release information to enroll my child in the tribe or to decide if my child has any rights or benefits from the tribe.
    - 1. I know if I have filed a paper with the court asking information about me not be given out, the Secretary of the Interior will certify my child can be enrolled in the tribe instead of giving out the information.
  - D. My child when he/she reaches 18 or the Bureau of Indian Affairs asks for a copy of all papers about the degree of Indian blood of my child and tribal enrollment.
- ☐ 19. I understand the court can, after considering the request, release identifying information from the court adoption file.
- ☐ 20. I understand if I think I was deliberately not told the truth about giving up my child, I have five years after the date the adoption was completed to ask the court to set aside the adoption of my child.
- ☐ 21. I understand if I want to be a father to this child, I must get a court order that says I am this child's father and gives me the right to physical custody of my child.
- A. I understand I have the right to look for a lawyer to help me prove I am the father of this child and get the right to physical custody. The adoption agency can refer me to public legal help in my community.
- ☐ 22. I understand if I want to raise my child and I am successful in proving I am the father of this child in court and get the right to physical custody of my child, there are other places the agency can refer me to that could help me with family, health, money and other problems.
- ☐ 23. I understand if I am successful in proving I am the father of this child in court and get the right to physical custody of my child and decide not to give my child up to the adoption agency, I can place my child for adoption with parents I find myself and agree only to an adoption of my child by these parents; this is called an Independent Adoption.
- ☐ 24. I understand if I am successful in proving I am the father of this child in court and I am given the right to physical custody of my child, the adoption agency shall follow the court order and give me my child.
- A. Under normal circumstances the adoption agency shall give my child to me within three working days and in no case shall it take more than seven calendar days.
  - B. If the adoption agency believes giving my child to me would hurt or otherwise harm my child, the agency will make an immediate referral to the county's child protective services agency. The adoption agency will let me know in writing if they do this.
- ☐ 25. I understand if my child's other parent gave physical custody of the child to the adoption agency and asks to take back his/her relinquishment, the adoption agency will give the child back to him/her.
- A. Under normal circumstances the adoption agency shall give the child back to him/her within three working days and in no case shall it take more than seven calendar days.
  - B. The rights and responsibilities as the child's parent would continue unless taken away by other legal action.
  - C. If the adoption agency believes giving the child back to him/her would hurt or otherwise harm my child, the agency will make an immediate referral to the county's child protective services agency. The adoption agency will let me know this in writing.

- ☐ 26. I understand because I am the parent of an Indian child I will be told immediately if my child's other parent was denied the right to physical custody of my child and has asked to take back his/her relinquishment and of any court proceedings because of this.
- A. I know if my child's other parent has been denied the right to physical custody of the child by the court, the adoption agency will start a court action to decide who has a right to physical custody.
- ☐ 27. I understand because I am the parent of an Indian child if any agency goes to court to take away the rights as a parent of my child's other parent, my child's tribe will be told and may step into the proceedings.
- ☐ 28. I understand because I am the parent of an Indian child the adoption agency has to tell me if the adoption petition is dismissed, set aside or the adoptive parents agree to the ending of their rights as a parent to my child. I know the notice will be given to me in writing.
- A. I know I must keep the adoption agency informed of my address if I want to receive this notice.
- ☐ 29. I understand because I am the parent of an Indian child if my child's tribe has a tribal court able to hear child proceedings, I, my child's other parent or the tribe may ask the court to have all court proceedings about my child moved to the tribal court. This will not take place if I or the other parent do not want it to, if the tribe does not want it to or the court finds good reason not to move the proceedings.
- ☐ 30. I understand the adoption agency will take the necessary steps to obtain a Certificate of Degree of Indian Blood and enroll my child in his/her tribe or register him/her for any Bureau of Indian Affairs' benefits he/she may be able to get.
- ☐ 31. I understand as the parent of an Indian child I can ask the court to stop any action ending my rights as a parent if the action did not follow the Indian Child Welfare Act.
- ☐ 32. I understand I have the following filing choices when I sign this Statement of Understanding and relinquishment document:
- A. I may choose to have the adoption agency file my relinquishment form immediately. If so, I may take it back any time before the close of the next working day after I sign the form; or
- B. I may choose to have the adoption agency hold the relinquishment form for up to 30 days so I can think about my decision. I understand my child will not be placed for adoption during any holding period; or
- C. I may agree with the adoption agency to hold the relinquishment form for more than 30 days if my child must be freed for adoption from any other parent(s). I understand my child will not be placed for adoption during any holding period.

**Put a check mark in front of the one statement that says what filing choice you want:**

- ☐ I want the relinquishment form filed immediately.
- ☐ I want the relinquishment form held \_\_\_\_\_ days until \_\_\_\_\_.
- ☐ I agree to have the relinquishment form held until my child has been freed for adoption from other parent(s).

- ☐ 33. I have had at least two face-to-face interviews with a social worker from the adoption agency on two different days. At the first interview, the adoption agency gave me sample copies of this Statement of Understanding and the Relinquishment Document. The agency may accept my relinquishment at the second or later interview.

The date of my first interview was: \_\_\_\_\_ .

The date of my most recent interview was: \_\_\_\_\_ .

- ☐ 34. I have carefully thought about the reasons for keeping or giving up my child. I have discussed the adoption plan of my child with the adoption agency, and I have decided giving up my child to the agency for adoption is in the best interest of my child. I have read and understand this Statement of Understanding and the Relinquishment Document. I do not need any more help or time to make my decision. I have decided to relinquish my child permanently to \_\_\_\_\_

Name of Agency

for adoption and I am signing this freely and willingly.

I, \_\_\_\_\_, father of  
Name of Father

\_\_\_\_\_, understand and agree to statements I have initialed above.  
Name of Child

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Father

I, \_\_\_\_\_, an authorized official of  
Name and Title

\_\_\_\_\_, accept this Statement of  
Name of Agency

Understanding of \_\_\_\_\_  
Relinquishing Father's Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Authorized Official

The foregoing Statement of Understanding was signed on:

\_\_\_\_\_  
Date

by \_\_\_\_\_  
Relinquishing Father's Name

in the presence of:

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Witness Signature

The terms and consequences of the voluntary signing of the relinquishment, including the right to withdraw the relinquishment prior to the signing of the decree of adoption, were fully explained in detail to and understood by the parent of this Indian child. The explanation was given by the agency representative whose signature is affixed above, in my presence, and in a language understood by the parent.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Judge

\_\_\_\_\_  
Superior Court